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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 OAKLAND DIVISION

18 IN RE LITHIUM ION BATTERIES  
19 ANTITRUST LITIGATION

Case No. 13-MD-02420 YGR (DMR)

20 MDL No. 2420

21 This Documents Relates to:

STATUS REPORT ON SETTLEMENT  
DISTRIBUTION

22 ALL INDIRECT PURCHASER ACTIONS  
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DATE ACTION FILED: Oct. 3, 2012

Indirect Purchaser Plaintiffs (IPPs) respectfully submit this Status Report regarding the settlement claims and distribution process. IPPs include in this report a summary of the scheduled actions to be taken by the Settlement Administrator (Epiq Class Action & Claims Solutions, Inc.) to prepare for distribution of the settlement funds.

### BRIEF BACKGROUND

On November 16, 2022, the Ninth Circuit Court of Appeals issued a Memorandum Opinion and judgment affirming orders of this Court awarding attorneys' fees to IPP Class Counsel and counsel for Objector Frank Bednarz.<sup>1</sup> These attorney fee orders relate to settlements finally approved by this Court. The Ninth Circuit on December 8, 2022 issued a mandate giving effect to its November 16, 2022 judgment.<sup>2</sup> Objector Bednarz, who appealed this Court's award of attorneys' fees to IPP Class Counsel, has a deadline of February 14, 2023 to file a petition for a writ of certiorari with the Supreme Court asking the Court to review the Ninth Circuit's judgment.

### STATUS REPORT

If Objector Bednarz does not file a timely petition for writ of certiorari, IPP Class Counsel will subsequently submit a motion to this Court on distribution, with the goal of distributing the settlement funds as soon as possible.

In the meantime, to prepare for that report and distribution, the Settlement Administrator and IPP Class Counsel will take the following actions:

- On or before **December 16, 2022**, the Settlement Administrator will attempt to contact high value claimants who have not responded to previous outreach attempts, to offer these claimants one final opportunity to provide adequate support for their claims.
- On or before **December 16, 2022**, the Settlement Administrator will send summary status spreadsheets to parties that filed claims on behalf of others (so-called "third-party filers").

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<sup>1</sup> See *In re Lithium Ion Batteries Antitrust Litig.*, Nos. 21-15120 & 21-15200, Mem. op. at 3-4, 8 (9th Cir. Nov. 16, 2022).

<sup>2</sup> See *In re Lithium Ion Batteries Antitrust Litig.*, Nos. 21-15120 & 21-15200, Mandate (9th Cir. Dec. 8, 2022).

- The Settlement Administrator will set a deadline of **January 6, 2023** for responses from high value claimants and third-party filers.
- On or before **January 13, 2023**, the Settlement Administrator will complete its review of the responses from high value claimants and third-party filers.
- On or before **January 20, 2023**, the Settlement Administrator will contact claimants who have large claims but have not provided mailing addresses, to request these addresses so that the claimants may be issued physical checks. The Settlement Administrator will set a response deadline of **February 10, 2023**.
- On or before **March 3, 2023**, the Settlement Administrator will send IPP Class Counsel draft calculations for the settlement distribution for counsel to review.
- On or before **March 17, 2023**, IPP Class Counsel will file a motion for distribution of the settlement funds with the Court.

IPPs believe that taking the foregoing steps pursuant this timeline will promote an efficient and timely distribution of settlement funds.

DATED: December 9, 2022

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